

REMARKS

Claims 22 through 40 were pending. With the present Amendment, claims 25 through 28, 30, and 32 are cancelled.

All of claims 22 through 40 were rejected in the Office Action over the base combination of Buie '257 (U.S. 2004/0040257) and Bruchle '407 (U.S. 2004/0217307).

As a first matter, applicant respectfully submits that the Bruchle '307 publication is not a proper reference in a §103 obviousness combination against the present application. The Bruchle '307 publication published from Application Serial No. 10/803,568 filed on November 4, 2004. The present application is a Section 371 National Phase Application of PCT/EP03/14941 filed on December 29, 2003. Thus, as indicated on the "Notice of Acceptance of Application" under 35 U.S.C. 371 and 37 C.F.R. 1.495, the present application has a filing date that corresponds to the international filing date of the PCT application, which is December 29, 2003. Thus, the present application has a filing date that is prior to the publication date of November 4, 2004, of the Bruchle '307 publication, and which is prior to the filing date of March 18, 2004, of the Bruchle '307 application. Accordingly, the Bruchle '307 publication does not constitute prior art to the present application under any section of 35 U.S.C. §102.

With the Bruchle '307 reference removed from the obviousness combination, the relevant analysis turns to the Buie '257 publication.

Applicant acknowledges that Buie '257 discloses a reinforced cement panel construction that may be used for various applications, including exterior decking, bridge decking, flooring, exterior or interior wall panels and facades, roofing, counter-top or other traditional and novel building applications. Referring to Fig. 2B, the cement

plate component 110 may be formed of a generally flat gypsum core 112 sandwiched between layers of fiber-reinforced cement 114.

Independent claim 22 is amended herein to more particularly define and distinctly claim aspects of the building construction for protection from radiation. The construction includes at least one building component having a layered sandwich configuration wherein at least one layer of gypsum anti-radiation material is poured and compressed between a concrete layer and an opposite layer. This opposite layer may be a concrete layer or a sheet pile wall installed during construction of the building construction. The panel configuration of Buie '257 does not include a gypsum anti-radiation material that is poured and compressed between a concrete layer and an opposite layer during construction of the building. The configuration in Fig. 2B of Buie '257 merely illustrates and describes cement layers 14 on opposite sides of a "gypsum core 112." The reference does not describe that this core 112 is provided in any degree sufficient to provide radiation protection, and does not describe or suggest that the core 112 is poured and compressed between the concrete layers 114. In addition, the very concept of the invention of Buie '257 is to provide a modular panel construction that may be eventually used in various panel applications. This is opposite from a radiation protection component wherein the layer of anti-radiation gypsum is poured and compressed during construction of a building.

Accordingly, applicant respectfully submits that independent claim 22 patentably distinguishes over Buie '257 alone or in combination with any other reference of record. Claims 23, 24, 29, 31, and 33 through 40 only further patentably distinguish the unique

building construction of independent claim 22 and are allowable for at least the reasons claim 22 is allowable.

With the present Amendment, applicant respectfully submits that all pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she have any questions regarding this matter require any additional information.

Respectfully submitted,

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